

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Peter Allan and Todd Fernandes,

File No. 24-cv-3088 (ECT/DJF)

Plaintiffs,

v.

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION**

Shireen Gandhi, *Commissioner of the Department of Human Services*; Nancy Johnston, *Chairman and Executive Officer of MSOP*; Terry Kneisel; Cory Vargeson, Phil Olson; and Robert Gresczyk,

Defendants.

Magistrate Judge Dulce J. Foster issued a Report and Recommendation on April 21, 2025. ECF No. 32. No party has objected to that Report and Recommendation,<sup>1</sup> and it is therefore reviewed for clear error. *See Fed. R. Civ. P. 72(b); Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 32] is **ACCEPTED**;
2. Defendants' Motion to Dismiss Plaintiff's [sic] Complaint [ECF No. 23] is

**GRANTED;**

<sup>1</sup> Though Plaintiffs initially filed a non-specific objection to the R&R, ECF No. 33, Plaintiffs withdrew that objection on May 8, 2025, and asked to "dismiss this case in its entirety," ECF No. 34.

3. Plaintiffs' requests to seal the matter [ECF Nos. 30 at 25, 33, 34] are **DENIED** for failure to comply with D. Minn. LR 5.6; and

4. The action is **DISMISSED WITHOUT PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: May 12, 2025

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court